

Panaji, 7th February, 1991 (Magha 18, 1912)

SERIES II No. 45

# OFFICIAL GAZETTE

## GOVERNMENT OF GOA

### EXTRAORDINARY

#### GOVERNMENT OF GOA

##### Legislature Department

Notification

No. LA/A/3024/1991

The following decision dated 6th February, 1991 of the Speaker of Legislative Assembly of State of Goa given under Rule 7(2) of the Members of Goa Legislative Assembly (Disqualification on ground of Defection) Rules, 1986 framed under the Tenth Schedule of the Constitution of India is hereby notified and published.

"In the matter of petition filed by Shri Mohan Amshekar, MLA against Dr. Luis P. Barbosa, S/Shri Churchill Alemao, Joao Baptista Gonsalves, Somnath Zuwarkar, Luis Alex Cardozo, Miss Farrel Freda Furtado and Shri Mauvin Godinho, MLAs.

Order

Shri Mohan Amshekar, MLA of Maharashtrawadi Goman-tak Party has filed the petition under the Tenth Schedule to the Constitution of India against Dr. Luis Proto Barbosa, Shri Churchill Alemao, Shri Joao Baptist Gonsalves, Shri Somnath Zuwarkar, Shri Luis Alex Cardozo, Miss Farrel Freda Furtado and Shri Mauvin Godinho, MLAs to be disqualified for defection.

Under the provisions of the Members of Goa Legislative Assembly (Disqualification on ground of Defection) Rules, 1986 the petition has to comply with the requirements contained in Rule 6(6), according to which every petition has to be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (Central Act 5 of 1908) for verification of pleadings.

Rule 7(2) provides that if the petition does not comply with the requirements of Rule 6, the Speaker shall dismiss the petition and intimate the petitioner accordingly.

I would not have been inclined to dismiss this petition merely on the technical ground of non-verification but the Rule-7(2) of the Members of Goa Legislative Assembly (Disqualification on ground of Defection) Rules, 1986 makes it essential that I should dismiss this petition since it is not verified in the manner laid down in the Code of Civil Pro-

cedure, 1908 (Central Act 5 of 1908) for the verification of pleadings. Besides, the petitioner has filed the petition after the lapse of considerable time of more than seven months after the Members have tendered their resignation from the primary memberships of the Party i.e. Indian National Congress-I.

I am aware that the people from every nook and corner want that I should go into the merits of this petition and preserve the democratic values in view of the present political situation in Goa. However, failure on the part of the petitioner to comply with the basic requirement of Rule 6(6) prevents me from going into the merits of the petition.

Since the petition of Shri Mohan Amshekar, has not complied with the requirement of Rule 6(6), this petition has to be dismissed in accordance with Rule 7(2).

The petition is therefore dismissed.

The petitioner to be informed.

Sd/-

(SURENDRA V. SIRSAT)

Speaker

Dated: 6th February, 1991.

To:

- 1) Dr. Luis Proto Barbosa,
- 2) Shri Churchill Alemao, MLA.
- 3) Shri Joao Baptist Gonsalves, MLA.
- 4) Shri Somnath Zuwarkar, MLA.
- 5) Shri Luis Alex Cardozo, M.L.A.
- 6) Miss Farrel Furtado, MLA.
- 7) Shri Mauvin Godinho, MLA.
- 8) Shri Mohan Amshekar, MLA.
- 9) Dr. Wilfred D'Souza, Leader of Opposition.
- 10) Secretary, Chief Election Commission of India, New Delhi.
- 11) Chief Secretary, Government of Goa, Panaji-Goa.
- 12) Secretary to Governor, Goa.

Copy to:

The Chief Minister of Goa, Panaji Goa".

ASSEMBLY HALL  
PANAJI-GOA  
6TH FEBRUARY, 1991.

M. M. NAIK  
Secretary to the  
Legislative Assembly  
of the State of Goa